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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/042,658 | 01/08/2002 | Brian Carl Stanz | 021756-024600US | 6991 |
| 51206 7590 03/18/2008 TOWNSEND AND TOWNSEND AND CREW LLP TWO EMBARCADERO CENTER 8TH FLOOR SAN FRANCISCO, CA 94111-3834 | | | | |
| EXAMINER | | | | |
| LERNER, MARTIN | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2626 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 03/18/2008 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/042,658

Applicant(s)

STANZ ET AL.

Examiner

MARTIN LERNER

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38, 40 to 42, 44, and 47 to 49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38, 40 to 42, 44, and 47 to 49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 48 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 48 is directed to non-statutory subject matter because it represents a disembodied software program. The USPTO takes the position that a claim to a computer program, *per se*, is non-statutory because it does not belong to one of the recognized categories of invention when the program is not embodied in a computer readable medium. Applicants should rewrite the claim so that the software program is recited to be recorded in a computer readable medium in order to render the claim statutory under 35 U.S.C. §101.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 38, 41, and 47 to 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Yamamoto et al.* in view of *Malcolm* ('903).

Concerning independent claim 38 and 47 to 49, *Yamamoto et al.* discloses a method, system, and software program for performing contextual software translations, comprising:

“providing a first iteration of a computer program, wherein the computer program comprises source text in a first natural language” – a translator receives human language text for a software application to be translated; text elements are captured in text files and delivered to translators for translation (column 4, lines 27 to 31); text to be translated includes, e.g., “CANCEL” and “OK” text buttons for a GUI written in Java (column 6, lines 43 to 65; Figure 5); translation is between natural languages of Country A and Country B, e.g. between English and Japanese;

“providing an interface for a translator to provide a translation of at least some of the source text into a second natural language” – the translator is presented with a graphical user interface in the base language, and can then interactively translate each text label on the screen (column 3, lines 13 to 15); a software package is translated into another (or more than one) language for each text message, menu, and button (column 1, lines 34 to 41);

“displaying, for the translator, a first display screen of a first version of the computer program in the first natural language, the first display screen displaying the source text in the first natural language, as it will appear in a first version of the computer program” – when the translation tool is run, it retrieves both the text to be

translated and the contextual information from localization files, and uses this information to create a GUI display ("a first display screen") which is similar to that of the original program; the translator can then translate the text in the proper context ("as it will appear in a first version of the computer program") (column 3, lines 19 to 25); when the text is to be translated, the contextual information is read, and a button, with the original text, is displayed on the screen ("a first display screen of a first version of the computer program in the first natural language") (column 5, lines 20 to 23; column 7, lines 25 to 27);

"displaying, for the translator, a second display screen of a second version of the computer program in the second natural language, the second display screen comprising the translation of the source text in the second natural language, as it will appear in the second version of the computer program" – when the translator selects the button, an editor pop-up window is displayed ("a second display screen"), and the translator will enter the translated text for that button (column 5, lines 23 to 26; column 7, lines 28 to 30); the translator is provided with direct contextual information about the item being translated; the complete translation has been performed in the context in which the button will appear in the final application ("as it will appear in the second version of the computer program") (column 4, lines 39 to 43; column 7, lines 33 to 35).

Concerning independent claims 38 and 47 to 49, the only elements not disclosed by *Yamamoto et al.* are "receiving modifications to the source text", "based on the received modifications to the source text, updating an update status table, wherein the update status table includes a record of the modifications made to the source text",

"displaying, for the translator, the updated status table to indicate the modifications made to the source text", "providing an interface for the translator to access the modified source text to translate the modified portions of the source text", and "wherein the providing of the interface for the translator is performed concurrently with development of the source text of the computer program".

Concerning independent claims 38 and 47 to 49, however, *Malcolm* ('903) teaches that changes made during development are common to a software product, where a product passes through various stages prior to the end product. Therefore, a number of screen panels for a given application are sent to a translation center before final program code is completed ("receiving modifications to the source text"). To track and log changes, a change log file is generated as a result, where the change log file is used by translators to minimize the amount of work required when a new file is received ("based on the received modifications to the source text, updating an update status table, wherein the update status table includes a record of the modifications made to the source text"). The change log file is then sent to the translation centers for expedient processing to reduce the amount of work in subsequent translations ("displaying for the translator, the updated status table to indicate modifications made to the source text"). The change log file is sent along with the new file requiring translation, and is accessible through a display for a translator, implicitly ("providing an interface for the translator to access the modified source text to translate the modified portions of the source text"). Moreover, the interface is provided for a translator "concurrently with development of the source text of the computer program" because a translator at a translation center

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receives versions of the program file to make changes during an engineering/software development cycle so that numerous activities can be done in parallel. (Column 3, Lines 8 to 11; Column 10, Line 16 to Column 11, Line 34) An objective is to obtain an improved system for generating application programs in a multilingual windows environment. (Column 3, Lines 12 to 17) It would have been obvious to one having ordinary skill in the art to provide an interface for displaying a record of modifications made to the source text for a translator as taught by *Malcolm* ('903) in a method, system, and software program for performing contextual software translations of *Yamamoto et al.* for a purpose of providing an improved system for generating application programs in a multilingual windows environment by tracking and logging changes through various stages to an end product in a typical engineering/software development cycle.

Concerning claim 41, *Yamamoto et al.* discloses translation of text messages, menus, and buttons ("the source text") from a software package of one language ("the first natural language") into a new language ("the second natural language") (column 1, lines 34 to 41); thus, the original software application from Country A provides "the source text", and the translated computer program is "the target software program" for Country B.

5. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Yamamoto et al.* in view of *Malcolm ('903)* as applied to claim 38 above, and further in view of *Peterson et al.*

Yamamoto et al. discloses displaying a graphic user interface (GUI) that displays the original text to be translated with contextual information ("the first display screen") and an editor pop-up window ("the second display screen") on the same screen into which the translator enters the translated text for a button. (Column 5, Lines 14 to 26) Thus, it is maintained that *Yamamoto et al.* anticipates the limitations of "the first display screen and the second display screen are displayed simultaneously" because the original text button and the editor pop-up window are displayed on the same screen. It should not matter how big or small, nor in what format the original text and pop-up window are displayed to meet the limitation of the first and second display screens being displayed simultaneously. Alternatively, however, *Peterson et al.* teaches that it is known to provide a browser tool bar with windows for an original language and a translation language ("the first display screen and the second display screen are displayed simultaneously") so that the linguist can scroll through the text of the document being translated in an original language text window and a corresponding translation language text window. (Column 5, Line 52 to Column 6, Line 29) It would have been obvious to one having ordinary skill in the art to display first and second screens for translating text simultaneously as taught by *Peterson et al.* in a method, system, and software program for performing contextual software translations of

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Yamamoto et al. for a purpose of permitting a linguist to scroll through windows during translation.

6. Claims 42 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Yamamoto et al.* in view of *Malcolm* ('903) as applied to claims 38 and 41 above, and further in view of *Lakritz*.

Concerning claims 42 and 44, *Yamamoto et al.* omits determining a translation status, updating a translation status, and monitoring development of the translation in response to detection of a revision of the translation. However, it is fairly well known to perform these activities in managing versions of documents during collaborative development. Specifically, *Lakritz* teaches a translation management system, where an update status module on a manager's console updates a translation status of translated documents. (Column 8, Lines 55 to 67: Figure 8) An objective is to provide management of monolingual documents to enable their translation into target languages, and make available a variety of translation resources to the user. (Column 1, Lines 6 to 13; Column 2, Lines 33 to 39) It would have been obvious to one having ordinary skill in the art to determine and update a translation status of a document so as to monitor the development and detect revisions as taught by *Lakritz* in a method, system, and software program for performing contextual software translations of *Yamamoto et al.* for a purpose of providing management of translations into target languages.

Response to Arguments

7. Applicants' arguments filed 08 February 2008 have been fully considered but they are not persuasive.

Applicants argue that *Yamamoto et al.* and *Malcolm* ('903) fail to teach or suggest the use of an update status table to update modifications to the source text which are then presented to the translator for translation. Applicants maintain that *Malcolm* ('903) fails to teach or suggest the use of an update status table to update modifications to the source text. Applicants say that *Malcolm* ('903) merely discloses a multi-lingual user-friendly user interface, but does not teach or suggest receiving modifications to the source text, updating an update status table based on the received modifications to the source text, wherein the update status table includes a record of the modifications made to the source text, displaying to the translator the updated status table to indicate the modifications made to the source text, and providing an interface for the translator to access the modified source text to translate the modified portions of the source text. This position is traversed.

Malcolm ('903) discloses a change log file that is equivalent to the claimed update status table. The change log file is generated by comparing all the strings in a new file to all the strings in an old file, and creating a log entry for any changed or new strings. (Column 10, Line 59 to Column 11, Line 25: Table 3) The new file and the old file represent a progression of a software product in an engineering/software development cycle. (Column 10, Lines 16 to 21) The software file needs to be

translated by a translator at a translation center, so the new file along with the change log file are sent to the translation center for translation. (Column 11, Lines 25 to 29) A set of screen panels is sent to the translation center for a given application before the final program is completed. (Column 10, Lines 27 to 29) Implicitly, then, *Malcolm* ('903) displays the modifications made to the source text to the translator in an interface, so that the translator can access and translate the modified portions of the source text. The objective is to reduce the overall development time of the software product by sending a pre-release version of the code to the translation center, so that the translation phase can get going early on prior to final code delivery. (Column 10, Lines 24 to 38) Moreover, the amount of work is minimized at the translation center by using the change log file because the translator then expediently has only to translate the portions of the new file that are new or have changed. (Column 10, Lines 63 to 67; Column 11, Lines 26 to 31) Thus, *Malcolm* ('903) discloses the claimed features of receiving modifications, updating an update status table, displaying the updated status table, and providing an interface for a translator to access the modified source text.

New grounds of rejection are presented for independent claim 48 as being non-statutory under 35 U.S.C. §101, and for claims 42 and 44 under 35 U.S.C. §103(a) as being unpatentable over *Yamamoto et al.* in view of *Malcolm* ('903), and further in view of *Lakritz*.

Therefore, the rejections of claim 48 as being directed to non-statutory subject matter under 35 U.S.C. §101; of claims 38, 41 to 42, 44, and 47 to 49 under 35 U.S.C. §103(a) as being unpatentable over *Yamamoto et al.* in view of *Malcolm* ('903); of claim

40 under 35 U.S.C. §103(a) as being unpatentable over *Yamamoto et al.* in view of *Malcolm ('903)*, and further in view of *Peterson et al.*, and of claims 42 and 44 under 35 U.S.C. §103(a) as being unpatentable over *Yamamoto et al.* in view of *Malcolm ('903)*, and further in view of *Lakritz*, are proper.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lee et al. discloses related art to track changes of software for national language translation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Lerner whose telephone number is (571) 272-7608. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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/Martin Lerner/
Primary Examiner, Art Unit 2626
March 12, 2008